

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DEDE TOULAN-ZEKPA,

Plaintiff,

vs.

WAL-MART STORES, INC., (#3153);

Defendant.

8:17CV233

ORDER

This matter is before the Court on the parties' Joint Motion to Extend Time to Serve Plaintiff's Expert Report ([Filing No. 18](#)). The parties request an extension of the deadlines related to expert witnesses. Upon review of the motion, and for good cause shown,

IT IS ORDERED that the Joint Motion to Extend Time to Serve Plaintiff's Expert Report ([Filing No. 18](#)) is granted, and the following deadlines related to experts as set forth in the earlier Final Progression Order ([Filing No. 17](#)) are extended:

1. Disclosure of Expert Witnesses.¹ Each plaintiff, counter-claimant, and cross-claimant shall identify expert witnesses and shall serve expert reports by **March 16, 2018**. Each defendant, counter-defendant, and cross-defendant shall identify expert witnesses and shall serve expert reports by **April 16, 2018**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or cross-claimant may disclose additional expert witnesses not later than **April 30, 2018**, provided that the disclosing party then provides all of the information described in Fed. R. Civ. P. 26(a)(2) and makes the expert witness available for deposition prior to the date set for completion of depositions. Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in Fed. R. Civ. P. 26(e). The testimony of the expert at trial shall be limited to the information disclosed in accordance with this paragraph.

2. Expert Deposition Deadline. All depositions related to expert witnesses shall be completed by **May 30, 2018**.

3. Motions in limine challenging the admissibility of expert testimony at trial under Fed. R. Evid. 702, see *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999), and *Daubert v. Merrell-Dow Pharmaceuticals*, 509 U.S. 579 (1993), shall be filed by **June 15, 2018, and**

¹ A treating physician must be identified pursuant to Fed. R. Civ. P. 26(a)(2)(A), but a treating physician is not deemed to be "retained or specially employed to provide expert testimony in the case" so as to require a written report under Fed. R. Civ. P. 26(a)(2)(B).

accompanied by a request for a hearing if necessary. Failure to timely move for a hearing may constitute waiver of the request for a hearing.

Dated this 16th day of February, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge